

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers A.F.L.-C.I.O.
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(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. Under the Current Agreement Machinists W. A. Varnadore and W. R. Hickox were improperly denied Holiday Pay (Veterans Day) October 28, 1974.
2. That accordingly, the Carrier be ordered to pay Machinists W. A. Varnadore and W. R. Hickox eight (8) hours straight time rate each, Holiday Pay (Veterans Day) October 28, 1974.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimants were employed by Carrier and were also members of the Georgia Army National Guard.

October 28, 1974 was a recognized holiday under the Agreement, and Claimants were entitled to holiday pay if they satisfied certain qualifying requirements. One such provision requires that compensation paid to the employee is credited to the workdays immediately preceding and following the holiday.

Claimants had requested permission to to be off on October 26, 1974, because of National Guard duties; which permission was granted. However, on October 27, Claimants worked one hour and then asked permission to leave because of further military obligations. Although permission was denied, the employees departed.

Carrier refused to grant holiday pay because Claimants "were not available to protect their assignment" on October 27, 1974.

Third Division Award 19128 rejected the concept that entitlement is predicated upon working a full eight (8) hours on qualifying days; but rather, held that there is no minimum number of hours required. Second Division Award 6893 held that if compensation for fifteen (15) minutes were properly paid on the qualifying day, the holiday pay requirements were fulfilled. See also, Second Division Awards 2517, 5126 and 6474. No Awards reaching contrary conclusions have been brought to our attention.

Under these circumstances, we find it unnecessary to explore the Claimants' assertions concerning the necessity of departing from their work sites after one hour on October 27, 1974. Nor do we feel that Carrier's assertion of "token gestures", "sharp practices" and "false pretenses" alter the outcome of this dispute.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By: Rosemarie Brasch /ae
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 16th day of November, 1976.